

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 17, 2006

D047488 In re D.F., a Juvenile

Judgment affirmed. Haller, J.; We Concur: McConnell, P.J., McDonald, J.

D048315 In re Spencer on Habeas Corpus

The petition is denied.

D047855 Lieberman et al. v. Superior Court of San Diego County/Applied Extrusion Technologies et al.

The petition is denied.

D045993 People v. Jordan

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 18, 2006

D046078 People v. Lucky

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., Huffman, J.

D047419 People v. Jones

The judgments are affirmed. McConnell, P.J.; We Concur: McDonald, J., Aaron, J.

**D047978 McDonald Transit Associates et al. v. Superior Court of San Diego
County/Amalgamated Transit Union Local 1309 AFL-CIO et al.**

The petition is denied.

D048419 Keenan et al. v. The Superior Court of San Diego/Webb & Carey

The petition is denied.

D046255 People v. Dominguez

The judgment is affirmed but for imposition of a four-year great bodily injury enhancement to count 1. The trial court shall reduce the enhancement on count 1 to three years, modify the abstract of judgment, and advise the Department of Corrections of the modification. Because the concurrent eight-year term on count 2 now exceeds the seven-year term on count 1, the modified abstract of judgment should identify the eight-year term on count 2 as the principal count. McConnell, P.J.; We Concur: McDonald, J., Aaron, J.

D047276 People v. Castillo

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Nares, J.

D046156 County of San Diego et al. v. Vista Unified School District et al.

The award of attorney fees is vacated. Each party shall bear its own costs on appeal. McDonald, J.; I Concur: Irion, J.; I Concur (by opinion): McIntyre, J.

D046907 Basie & Fritz v. Houston

The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 19, 2006

D047428 In re the Marriage of Perry and Bower

Upon written stipulation filed by the parties to the appeals, the appeals filed by Mary Lynn Perry and by Christopher James Bower are dismissed. Each party to bear own costs on appeal.

D045175 People v. Hillard et al.

The judgments are affirmed. The case is remanded to the superior court with directions to correct Calhoun's abstract of judgment to reflect the stayed sentence on count 19 attempted grand theft, and to forward the corrected copy of the abstract of judgment to the Department of Corrections. Haller, J.; We Concur: Benke, Acting P.J., Huffman, J.

D048247 Debra H. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Austin H. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case as to Austin H. is dismissed.

D046821 People v. Villalpando

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D047307 In re Mike G., a Juvenile

The judgment terminating parental rights is reversed. The juvenile court is directed to comply with the notice provisions of the ICWA. If, after proper notice and inquiry, no tribe intervenes, the court shall reinstate the judgment. If a tribe intervenes, the court is directed to conduct a new selection and implementation hearing under section 366.26 in accordance with the ICWA. (See In re Jonathon S. (2005) 129 Cal.App.4th 334, 343; In re Glorianna K. (2005) 125 Cal.App.4th 1443, 1452; In re Jonathan D. (2001) 92 Cal.App.4th 105, 111-112). Aaron, J.; We Concur: McConnell, P.J., McIntyre, J.

D046125 Heinz v. Sommer

The judgment is affirmed and the appeal of the sanction order is dismissed. Heinz is entitled to her costs on appeal. McIntyre, J.; We Concur: McConnell, P.J., Nares, J.

D045945 Sher et al. v. San Diegueno Homeowners Association et al.

The request for publication is denied.

D048427 People v. Conner

The denial of a petition for writ of habeas corpus is not appealable. The appeal is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 19, 2006 (Continued)

D044759 Campbell et al. v. Airtouch Cellular et al.
The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 20, 2006

D046215 In re Marriage of Prout

The order appealed from is reversed. Irion, J.; We Concur: McIntyre, Acting P.J., Aaron, J.

D048311 Julie T. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Julie T. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D047869 In re Sindelar

The petition is denied.

D047362 People v. Ahwazi

D047390 People v. Kulesa

D047391 People v. Kocherga

D047392 People v. Kocherga

Appellants' unopposed motion to consolidate the above-entitled appeal is granted. All documents will be filed under D047362. Appellants' opening brief(s) are due within 30 days from the date of this order.

D047214 Deanna D. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petitions are denied. The stay issued by this court on January 23, 2006, is vacated. Huffman Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D046432 People v. Hickey

The judgment is affirmed. Aaron, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D047210 Citizens for Better Rancho Santa Fe Schools et al. v. Rancho Santa Fe School District Board of Trustees/Mark Bishop et al.

The judgment of dismissal is reversed with direction to allow an answer to be filed and further appropriate proceedings to be held. The stay issued on October 31, 2005 shall remain in effect until this opinion becomes final and the remittitur has been issued. Each party is to bear its own costs. Huffman, Acting P. J.; We Concur: Haller, J. O'Rourke, J.

D045247 Thornburg v. Superior Court/Bactes Imaging Solutions, Inc.

The opinion filed March 29, 2006, is modified. The petition for rehearing and request for depublication are denied. There is no change in the judgment.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 21, 2006

D045936 People v. Orange

The judgment is affirmed. Aaron, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D047360 People v. Vaught

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

Court convened at 10:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre
Clerk: D. Moore

D046327 People v. Harris

Cause called on merits. Matthew Braner, Deputy Public Defender argued for appellant. M. Oanh Ho, Certified Law Student argued for respondent. Mr. Braner replied. Cause submitted.

Court adjourned at 10:28 a.m.

**D047218 Coffin et al. v. Department of Alcoholic Beverage Control et al./Barona
Tribal Gaming Authority**

The decision of the Board is annulled and the matter is remanded to the Department for further proceedings consistent with this opinion. O'Rourke, J.; We Concur: McDonald, Acting P.J., Irion, J.

D046436 Counts v. U.S. Financial L.P. et al.

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Irion, J.

D048406 Drews v. Superior Court of San Diego County/People

The petition is denied.